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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,624

08/25/2003

Robert Hoffman

ANDIP035

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7590

11/13/2009

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EXAMINER

HAN, CLEMENCE S

ART UNIT

PAPER NUMBER

2464

NOTIFICATION DATE

DELIVERY MODE

11/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/648,624	<b>Applicant(s)</b> HOFFMAN ET AL.	
	<b>Examiner</b> CLEMENCE HAN	<b>Art Unit</b> 2464	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-25 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-25 and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 3-14, 16-25, 29 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (US Pub. 2003/0076849) in view of Matsuo et al. (US Pub. 2003/0227925).

Regarding claim 1, 11, 22 and 23, Morgan teaches a method comprising: receiving a packet at an ingress port of a network device [0006], [0008]; making a classification for the packet according to a virtual queue, the virtual queue configured to hold information associated with the packet, wherein the ingress port has a plurality of virtual queues (“receives inbound packets, classifies the packets” in [0027], “port status tracking module 220 monitors the addition or deletion of ... virtual ports” in [0053]); determining whether a previously-allocated physical queue exists for the classification [0049]; allocating a physical queue for the classification when no previously-allocated physical queue exists for the classification [0011]; associating the physical queue with the ingress port [0006]; storing information associated with the packet in the allocated physical queue (step 318 in Figure 8); and scheduling the packet for transmission between the ingress port and one

of a plurality of egress ports of the network device [0037]. Morgan, however, does not teach explicitly searching a memory of allocated physical queues/a content addressable memory. Matsuo teaches searching a memory of allocated physical queues/a content addressable memory 20 [0162]. It would have been obvious to one skilled in the art to modify Morgan to use CAM as taught by Matsuo in order to enable high speed search [0049].

Regarding claim 3 and 13, Morgan teaches the virtual queue is a virtual output queue [0053].

Regarding claim 4 and 14, Morgan teaches detecting when a previously-allocated physical queue is empty; and de-allocating the empty previously-allocated physical queue [0043], [0053].

Regarding claim 5 and 12, Morgan teaches the virtual queue is associated with an ingress port [0008].

Regarding claim 6 and 16, Morgan teaches the classification is based on one or more of a packet source, a packet destination, an ingress port number, an egress port number, or a packet priority [0062].

Regarding claim 7 and 17, Morgan teaches the classification comprises a priority number [0051].

Regarding claim 8 and 18, Matsuo teaches the determining step comprises addressing the memory of allocated physical queues in a single cycle [0162] (Matsuo

teaches using CAM and its contents can be searched in one cycle, see instant specification page 16 line 16-17).

Regarding claim 9 and 19, Morgan teaches updating a memory when a physical queue is de-allocated, wherein the memory indicates whether the classification corresponds to the previously-allocated physical queue [0034].

Regarding claim 10, 20 and 21, Morgan teaches the network device further comprises a free list that indicates physical queues available for allocation and wherein the method further comprises updating the free list when the previously-allocated physical queue is de-allocated [0053].

Regarding claim 12, Morgan teaches the queue is associated with an ingress port of the network device [0008], [0032].

Regarding claim 24, Matsuo teaches the memory is the content addressable memory is searchable in one clock cycle [0162] (Matsuo teaches using CAM and its contents can be searched in one cycle, see instant specification page 16 line 16-17).

Regarding claim 25, Morgan teaches the memory is a random access memory [0034].

Regarding claim 29, Morgan teaches determining a first number of packets that the ingress port of the network device can receive [0040], [0041]; and allocating a second number of physical queues for the ingress port, wherein the second number is less than or equal to the first number [0044]-[0046].

Regarding claim 31, Morgan teaches identifying a category for each packet arriving at the ingress port; correlating the category to an existing physical queue; and storing packet information in the existing physical queue [0018].

Regarding claim 32, Morgan teaches identifying a category for each packet arriving at the ingress port; and assigning the category to a physical queue, wherein the network device allocates a new physical queue only when there is no existing physical queue for the category [0043], [0044].

Regarding claim 33, Morgan teaches the packet information comprises control information selected from a list consisting of destination information, source information, priority information, payload type information and payload size information [0062].

3. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Matsuo et al. as applied to claim 29 above, and further in view of Jenne et al. (US Pub. 2003/0126223).

Regarding claim 30, Morgan teaches determining a first number of packets that the ingress port of the network device can receive [0040], [0041]; and allocating a second number of physical queues for the ingress port, wherein the second number is less than or equal to the first number [0044]-[0046]. Morgan in view of Matsuo, however, does not teach the network device operates according to a Fibre Channel protocol and wherein the determining step is based on a number of buffer-to-buffer credits granted by the ingress port. Jenne teaches the network device operates according to a Fibre Channel protocol [0018] and wherein the determining step is based on a number of buffer-to-buffer credits

granted by the ingress port [0006]. It would have been obvious to one skilled in the art to modify Morgan in view of Matsuo to be with the network device operates according to a Fibre Channel protocol [0018] and wherein the determining step is based on a number of buffer-to-buffer credits granted by the ingress port as taught by Jenne in order to provide end-to-end congestion control [0003].

### ***Response to Arguments***

4. Applicant's arguments filed 07/01/2009 have been fully considered but they are not persuasive. In response to page 8-10, the applicant argues that Morgan does not teach of virtual queues. Morgan teaches the port status tracking module 220 monitoring both physical and virtual ports and the resource management module 222 tracking the available resources reserved for each port as queues are created and released [0053]. The applicant further argues that Morgan does not teach queues associated with ingress ports. Morgan teaches ingress ports 14, 16, 18 and their associated queues [0006].

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENCE HAN whose telephone number is (571)272-3158. The examiner can normally be reached on Monday-Friday 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/  
Supervisory Patent Examiner, Art Unit 2464

/C. H./  
Examiner, Art Unit 2464